

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KAY F. BUTLER, Individually,)	
And as Executrix of the)	
Estate of Truman DeWayne)	
Butler)	
)	
Plaintiff,)	
)	
v.)	1:10CV427
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

On August 2, 2011, the Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and was served on the parties in this action. (Doc. 27.) Within the time limits prescribed by section 636, Plaintiff Kay F. Butler ("Butler") filed objections (Doc. 29), and the Government filed a response (Doc. 30)

The court has reviewed those portions of the Magistrate Judge's Recommendation to which objections have been made and has conducted a *de novo* determination. The court agrees with the Magistrate Judge's Recommendation, which is hereby adopted.

IT IS THEREFORE ORDERED that Butler's motion for judgment on the pleadings (Doc. 17) be DENIED, that the Government's motion for summary judgment (Doc. 20) be GRANTED, and that this action be DISMISSED.

A Judgment implementing this Order will be entered contemporaneously.

/s/ Thomas D. Schroeder
United States District Judge

October 31, 2011